



15 AUG 2008

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In re Application of BRENNEMAN et al :  
U.S. Application No.: 09/936,888 :  
Int. Application No.: PCT/US00/06364 :  
Int. Filing Date: 10 March 2000 :  
Priority Date: 12 March 1999 : DECISION  
Attorney Docket No.: 015280-377100US :  
For: PREVENTION OF FETAL ALCOHOL :  
SYNDROME AND NEURONAL CELL :  
DEATH WITH ADNF POLYPEPTIDES :

This is in response to the "Petition Under 37 C.F.R. § 1.181(a) to Withdraw Holding of Abandonment" filed 11 June 2007.

### **BACKGROUND**

On 10 March 2000, applicant filed international application PCT/US00/06364, which claimed priority of an earlier United States application filed 12 March 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 18 September 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 September 2001.

On 12 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and executed declarations.

On 28 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 05 July 2002, applicant filed newly executed declarations.

On 17 July 2002, this Office mailed a communication which stated that the declarations filed 12 September 2001 are improper.

On 02 August 2002, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) which set a one month time limit for response.

On 15 August 2002, this Office mailed a communication which stated that the declarations filed 12 September 2001 and 05 July 2002 are improper.

On 03 September 2002, applicant filed new declarations.

On 24 September 2002, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 11 June 2007, applicant filed the present petition under 37 CFR 1.181.

### DISCUSSION

A review of USPTO records revealed that the application was improperly placed in abandoned status.

### CONCLUSION

The petition under 37 CFR 1.181 is GRANTED.

The application is being forwarded to the DO/EO/US for completion of pre-examination processing and forwarding of the application to the appropriate Technology Center.

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